IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4603 of 2008
ALI HUSSAIN KHAN
Versus
THE STATE OF BIHAR

4/ 24.06.2008 Heard learned counsel for the petitioner and the learned Addl. P.P. appearing for the State.

This is an application for grant of anticipatory bail in Palanwa P.S. Case No. 68 of 2007 under Sections 147, 148, 149, 323, 324, 337, 338, 307 & 504 of the Indian Penal Code.

Learned counsel for the petitioner submitted that allegation against the petitioner is that he assaulted the son of the informant on his head by Farsa a sharp cutting weapon, but the injury report mentioned in para 21 of the case diary does not support this fact and on the other hand, witnesses in para 9 have stated that the petitioner was not holding any deadly weapon, rather he was assaulting Haider Ali by fists and slaps. Since, the allegations are under Section 307 IPC, hence necessity of filing this application.

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Considering the above submissions, the prayer for anticipatory bail is allowed and petitioner Ali Hussain Khan is directed to surrender before the court below within four weeks from today and in that event Subdivisional Judicial Magistrate, Raxaul at Motihari shall release him on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to his satisfaction in connection with Palanwa P.S. Case No. 68 of 2007, subject to the conditions as laid down under Section 438(2) Cr.P.C.

DKS/ **(Rekha Kumari, J)**

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